84-386

Office - Supreme Court, U.S.
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SEP 11 1984
ALEXANDER L. STEVAS,
CLERK

No. _____

IN THE SUPREME COURT OF THE
UNITED STATES

OCTOBER TERM, 1984

* *

HARVEY D. HOLLOWAY,

Petitioner

vs.

STATE OF ALABAMA,

Respondent

* *

APPENDIX

TO THE PETITION FOR A WRIT OF
CERTIORARI TO THE COURT OF CRIMINAL
APPEALS OF ALABAMA

* *

BRIEF OF PETITIONER

* *

ARTHUR J. HANES, JR.
933 Frank Nelson Building
Birmingham, Alabama 35203
(205) 324-9536
VIRGINIA A. VINSON
617 Frank Nelson Building
Birmingham, Alabama 35203
(205) 252-4908

ATTORNEYS FOR PETITIONER

12 pp

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APPENDIX "A"

THE ALABAMA COURT OF CRIMINAL APPEALS

Montgomery, Alabama

Re: CC82-475-SW

7 Div. 196 Etowah County Circuit Court

HARVEY D. HOLLOWAY,

Appellant

vs.

THE STATE,

Appellee

Dear Sir: This is to advise you that on April 10, 1984 the Court of Criminal Appeals announced decision of: affirmance-no opinion - in the above stated cause.

Yours truly,

Mollie Jordon, Clerk

THE ALABAMA COURT OF CRIMINAL APPEALS

Montgomery, Alabama

Re: CC82-475-SW

7 Div. 196 Etowah County Circuit Court

HARVEY D. HOLLOWAY,

Appellant

vs.

THE STATE,

Appellee

Dear Sir: This is to advise you that on May 8, 1984 the Court of Criminal Appeals announced decision of: application for rehearing overruled - Rule 39 (k) motion denied - affirmance - no opinion - in the above stated cause.

Yours truly,

Mollie Jordon, Clerk

COURT OF CRIMINAL APPEALS

STATE OF ALABAMA

P.O. BOX 351

MONTGOMERY 36101

July 25, 1984

JOHN O. HARRIS
Presiding Judge

MOLLIE JORDON
Clerk

JOHN C. TYSON,III

JOHN P. DECARLO

JOHN G. BOOKOUT

WILLIAM M. BOWEN, JR.

Judges

Hon. Charles M. Purvis
Hon. Virginia A. Vinson
Attorneys at Law
617 Frank Nelson Building
Birmingham, Alabama 35203

Re: 7 Div. 196, Harvey D. Holloway
vs. State of Alabama

Dear Sir:

The Court of Criminal Appeals has today granted a stay of sixty (60) days from July 13, 1984 to allow filing of a

petition for writ of certiorari in the United States Supreme Court. This stay will remain in effect until action is taken on the petition, and if petition is granted, until a decision is rendered by the United States Supreme Court.

The certificate of final judgment has been recalled from the lower court pending determination by the United States Supreme Court, but the certificate will be reissued upon the expiration of the sixty-day stay unless this Court is furnished with proof of the filing of said petition in the United States Supreme Court.

Very truly yours,

/s/ Mollie Jordon
Clerk

cc: Clerk, Circuit Court of Etowah County
Office of the Attorney General
File

APPENDIX "B"

MAILING ADDRESS:

P.O. BOX 157
MONTGOMERY, ALABAMA 36101

TELEPHONE:

832-6480

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

Re: 83-932
EX PARTE: HARVEY D. HOLLOWAY
PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CRIMINAL APPEALS
(Re: Harvey D. Holloway, alias vs. State)
Appellant Appellee

You are hereby notified that the following indicated action was taken in the above cause by the Supreme Court today:

_____ Appeal docketed. Future correspondence should refer to the above number.

_____ Court Reporter granted additional time to file reporter's transcript to and including

_____ Clerk/Register granted additional time to file clerk's record/ record on appeal to an including

_____ Appell_____granted 7 additional days to file briefs to and including

_____ Appellant(s) granted 7 additional days to file reply briefs to and including

_____ Record on Appeal filed

_____ Appendix Filed

_____ Submitted on Briefs

XXXXXXX Petition for Writ of Certiorari denied. No opinion. Faulkner,J.-Torbert, CJ., Almon, Embry and Adams, JJ., concur.

_____ Application for rehearing overruled. No opinion written on rehearing.

_____ Permission to file amicus curiae briefs granted.

_____

/s/ Robert G. Esdale, Clerk
Supreme court of Alabama

7/13/84
bsa

APPENDIX "C"

a) United States Constitution - Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

b) United State Constitution - Fourteenth Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the Unites States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX "D"

Code of Alabama 1975:

§ 12-21-222 Accomplice's testimony for felony conviction.

* * * * * * * * * * * * * * * * * *

A conviction of felony cannot be had on the testimony of an accomplice unless corroborated by other evidence tending to connect the defendant with the commission of the offense, and such corroborative evidence, if it merely shows the commission of the offense or the circumstances thereof is not sufficient.

CERTIFICATE OF SERVICE

I, Arthur J. Hanes, Jr., a member of the Bar of the Supreme Court of the United States and one of the Attorneys for Harvey D. Holloway, the Petitioner, do hereby certify that on this the 12th day of September, 1984, I did serve the requisite number of copies of the foregoing on the Attorney General of the United State of Alabama, Respondent, by mailing same to them, first class, postage prepaid and addressed as follows:

Hon. Charles Graddick
Office of Attorney General
250 Administrative Building
64 North Union Street
Montgomery, Alabama 36130

Arthur J. Hanes, Jr.

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ATTORNEYS FOR PETITIONER